



Entered on Docket
July 27, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC
USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC
USA CAPITAL FIRST TRUST DEED FUND, LLC,
USA SECURITIES, LLC

Debtors

Affects:
USA Commercial Mortgage Company

Case No.: BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

Chapter 11

Jointly Administered Under Case No.
BK-S-06-10725-LBR

Judge Linda B. Riegler

**ORDER ON APPLICATION TO
COMPROMISE AND SETTLE
CONTROVERSIES WITH
ANTHONY MONACO, SUSAN
K. MONACO, AND MONACO
DIVERSIFIED CORPORATION**

Hearing Date: June 15, 2010
Hearing Time: 9:30 a.m.

On June 15, 2010, this Court held a hearing on the Application to Compromise and Settle Controversies with Anthony Monaco, Susan K. Monaco, and Monaco Diversified Corporation filed by the USACM Liquidating Trust, over which this Court has jurisdiction pursuant to 28

1 U.S.C. §§ 157 and 1334, and of which due notice was served to all parties entitled thereto in
2 accordance with the Bankruptcy Rules and this Court's Local Rules.

3 The Motion requested this court enter an order approving the Settlement Agreement
4 between the USACM Trust, Anthony Monaco, Susan K. Monaco, and Monaco Diversified
5 Corporation (the "Proposed Settlement"). It appearing that the relief requested in the Motion is in
6 the best interest of the Estate, the relief requested is hereby GRANTED. It is therefore
7

8 ORDERED that the Proposed Settlement is approved pursuant to Federal Rule of
9 Bankruptcy Procedure 9019. It is further

10 ORDERED that the Defendants shall deliver to the USACM Trust a fully executed Agreed
11 Judgment in the amount of Five Million Five Hundred Thousand Dollars (\$5,500,000) (the
12 "Agreed Judgment"). It is further

13 ORDERED that The USACM Trust is authorized to file the Agreed Judgment with the
14 Bankruptcy Court or any other court of competent jurisdiction to consider such matters, and in the
15 United States District Court, District of Nevada in the matter Case No. 2:09-CV-01947-RCJ-PAL
16 currently before Judge Jones (the "District Court"). It is further

17 ORDERED that this Court shall retain jurisdiction to interpret and enforce the terms of the
18 Settlement Agreement and this Order Approving Settlement. It is further
19

20 ORDERED that Geoffrey L. Berman, in his capacity as the Court-appointed trustee of the
21 USACM Trust, is authorized to execute, deliver, implement, and fully perform any and all
22 obligations, instruments, documents and papers and to take any and all actions reasonably
23 necessary to consummate the Settlement Agreement and perform any and all obligations
24 contemplated therein on behalf of the USACM Trust.
25

26 1.

CERTIFICATION PURSUANT TO LOCAL RULE 9021

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

 The court has waived the requirement of approval under LR 9021

 No parties appeared or filed written objections, and there is no trustee appointed in the case.

 X I have delivered a copy of this proposed order to all counsel, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document.]

Harold P. Gewerter Failed to respond

DATED: June 22, 2010.

/s/ Michael J. Yoder
Michael J. Yoder

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